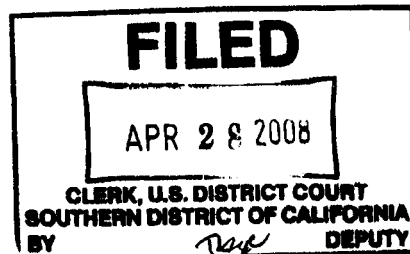


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8358


10	UNITED STATES OF AMERICA) Magistrate No.
11	Plaintiff,) COMPLAINT FOR VIOLATION OF:
12	v.) Title 18 U.S.C. § 3144
13	"J.A.R.") F.R.Crim.P. [Material Witness]
14	Evelia MELLADO-Guzman)
15	Maribel MONTIEL-Varillas)
16	Material Witnesses.)

The undersigned complainant being duly sworn states:

That on or about April 25, 2008, within the Southern District of California, Material Witnesses, "J.A.R.", "A.F.C.M.", Evelia MELLADO-Guzman and Maribel MONTIEL-Varillas are witnesses in support of the petition alleging "P.I.O." was bringing four illegal aliens into the United States for financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii). The Material Witnesses testimony is essential to support the petition in the State of California Juvenile Court against the minor and whose whereabouts at the time of jurisdictional trial will be a foreign country, or unknown, a warrant for his arrest should be issued, and he should be detained until his testimony can be secured.

1 The affiant further alleges that the above-referenced material
2 witnesses are citizens and natives of Mexico with no legal right to
3 remain in the United States, and have no apparent means of support or
4 family ties. Therefore, the above-referenced material witnesses are
5 material witnesses under Title 18, United States Code, Section 3144.

6 This complainant states that this complaint is based on the
7 attached Statement of Facts incorporated herein by reference.
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10 
11 MARCO A. MIRANDA
Border Patrol Agent

12 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28TH DAY
13 OF APRIL, 2008.

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16 PETER C. LEWIS
17 UNITED STATES MAGISTRATE JUDGE
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1 MATERIAL WITNESSES

2 "J.A.R." (1),
3 A.F.C.M. (2),
4 Evelian MELLADO-Guzman (3),
5 Maribel MONTIEL-Varillas (4),

6 STATEMENT OF FACTS

7 Marco A. Miranda, being duly sworn, deposes and says:

8 1. I am a Border Patrol Agent with the United States Border
9 Patrol, assigned to the El Centro Sector Prosecutions Unit. This
10 affidavit is made in support of a material witness complaint pursuant
11 to Title 18, United States Code, Section 3144, for "J.A.R.",
12 "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas. This
13 application seeks the witnesses detention so their testimony may be
14 secured for trial in the Southern District of California.

15 2. The United States Government has indicted "P.I.O." (juvenile),
16 within the State of California's Court system for the violations of
17 Title 8, United States Code, Section 1324, Transportation of Illegal
18 Aliens within the Southern District of California.

19 3. On April 25, 2008, Border Patrol Agents of the El Centro
20 Sector encountered "P.I.O." as he attempted to transport four illegal
21 aliens.

22 4. At approximately 9:00 A.M. El Centro Agents received
23 information that an unknown vehicle had possibly picked up six illegal
24 aliens near Exit 6 and Highway 98.

25 5. Agent O. Soberanes observed a white 1999 Ford Taurus traveling
26 eastbound on Highway 98. The vehicle had two visible occupants and
27 appeared to be heavily laden. Agent Soberanes attempted to perform a
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1 vehicle stop, but the white Ford Taurus failed to yield. Agent
2 Soberanes terminated the pursuit, but maintained a visual of the
3 vehicle. Agent J. Vera responded to the area and followed the Taurus
4 as it pulled into the east parking lot of Bucklin Park.

5 6. Material Witnesses to the incident are able to provide
6 identification of the principal, "P.I.O.". The Material Witnesses,
7 are also able to provide significant testimony which would collaborate
8 the statements of the agents.
9

10 7. Based on the foregoing, I respectfully submit testimony from
11 "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-
12 Varillas at trial will be material.

13 8. In addition, it will be impractical to secure the presence of
14 "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-
15 Varillas by subpoena for the following reasons:

16 a. "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel
17 MONTIEL-Varillas are not citizens of the United States and currently
18 reside in Mexico with family.
19

20 B. "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel
21 MONTIEL-Varillas do not possess any immigration document to be, reside,
22 or live in the United States lawfully.

23 C. "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel
24 MONTIEL-Varillas have an incentive to avoid coming to the United
25 States and appearing in court as government witnesses as they were
26 trying to illegally enter the United States without properly filing
27 for admittance.
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9. I believe that based on the facts set out above, there is no

1 condition or combination of conditions that would reasonably assure
2 the appearance of "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and
3 Maribel MONTIEL-Varillas. Accordingly, I respectfully request that a
4 complaint be issued for "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman
5 and Maribel MONTIEL-Varillas.

6
7 Wherefore your affiant prays that the Court issue a material
8 witness warrant for "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and
9 Maribel MONTIEL-Varillas, and they be imprisoned or bailed as the case
10 may be.